

4530
BILL NO. G-93-03-10

GENERAL ORDINANCE NO. G- Withdrawn

AN ORDINANCE for the purpose of
vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

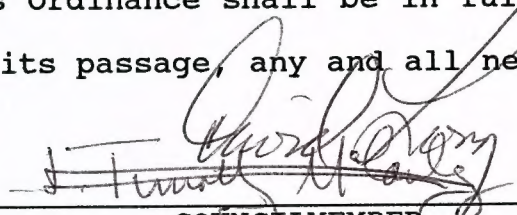
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

The East 7 feet of Lot 2, The East 7 feet of Lot 3, except the South 7 feet of the East 7 feet, and the West 7 feet of Lot 11, except the South 7 feet of the West 7 feet, all in South Dellwood Park, formerly known as Pecos Villa Addition, Section A.

and which vacating allows the dedicated utility easement to revert to the ownership of the adjacent property owners.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.



COUNCILMEMBER

#538

APPROVED AS TO FORM AND LEGALITY:

1 J. Timothy McCaulay
2 J. TIMOTHY MCCAULAY, CITY ATTORNEY

3 ** Public hearing to be held on _____,
4 the _____ day of _____, 1993,
5 in the Council Chambers.
6
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8 _____
9 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Ravine, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne,, Indiana, on _____, 19_____, the _____ day of _____ M.,E.S.T.

DATED: 3-5-23 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Nancy E. Schupp, Dept. Clerk.

Read the third time in full and on motion by _____, and duly adopted, placed on its passage. PASSED _____ LOST _____ by the following vote:

	AYES	NAYS	<u>Withdrawn</u> ABSTAINED	ABSENT
TOTAL VOTES	_____	_____	_____	_____
BRADBURY	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
GiaQUINTA	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LONG	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____

DATED: _____
SANDRA E. KENNEDY, CITY CLERK
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19_____,

ATTEST: _____ (SEAL)
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK
Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Date Filed: _____

Vacation Petition

I/We JESUS NAME CHURCH, INC.
(Applicant's Name or Names)

PETITION TO VACATE UTILITY EASEMENT
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following UTILITY EASEMENT with the City of Fort
Wayne, Indiana, and hereby described as follows:

THE EAST 7 FEET OF LOT 2, THE EAST 7 FEET OF LOT 3 EXCEPT THE SOUTH 7 FEET
OF THE EAST 7 FEET, AND THE WEST 7 FEET OF LOT 11 EXCEPT THE SOUTH 7 FEET OF
THE WEST 7 FEET, ALL IN SOUTH DELLWOOD PARK, FORMERLY KNOWN AS PECOS VILLA
ADDITION, SECTION A.

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

THIS VACATION IS BEING REQUESTED IN ORDER TO BUILD A CHURCH FACILITY ON THE
PROPERTY. THE APPLICANT IS THE SOLE OWNER OF ALL AFFECTED PROPERTIES.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
UTILITY EASEMENT be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS _____ DAY OF _____ 19 _____

JESUS NAME CHURCH, INC.
Adjacent Property Owner
Typed Name
3615 NEW HAVEN AVENUE
FORT WAYNE, IN 46803
Address Zip

Bishop Clifford Horman
Signature

JESUS NAME CHURCH, INC.
Adjacent Property Owner
Typed Name
3615 NEW HAVEN AVENUE
FORT WAYNE, IN 46803
Address Zip

Bishop Clifford Horman
Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

Adjacent Owners TYPED Name	Property	Address/Zip	Signature
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NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

JESUS NAME CHURCH, INC.
BISHOP MIKE MORIMANNO

Name

3615 NEW HAVEN AVENUE

Street Address

FORT WAYNE, IN 46803

City/State/Zip

219/422-1689

Phone

From the desk of:

Pat Biancaniello

9-1-94

AGENT:

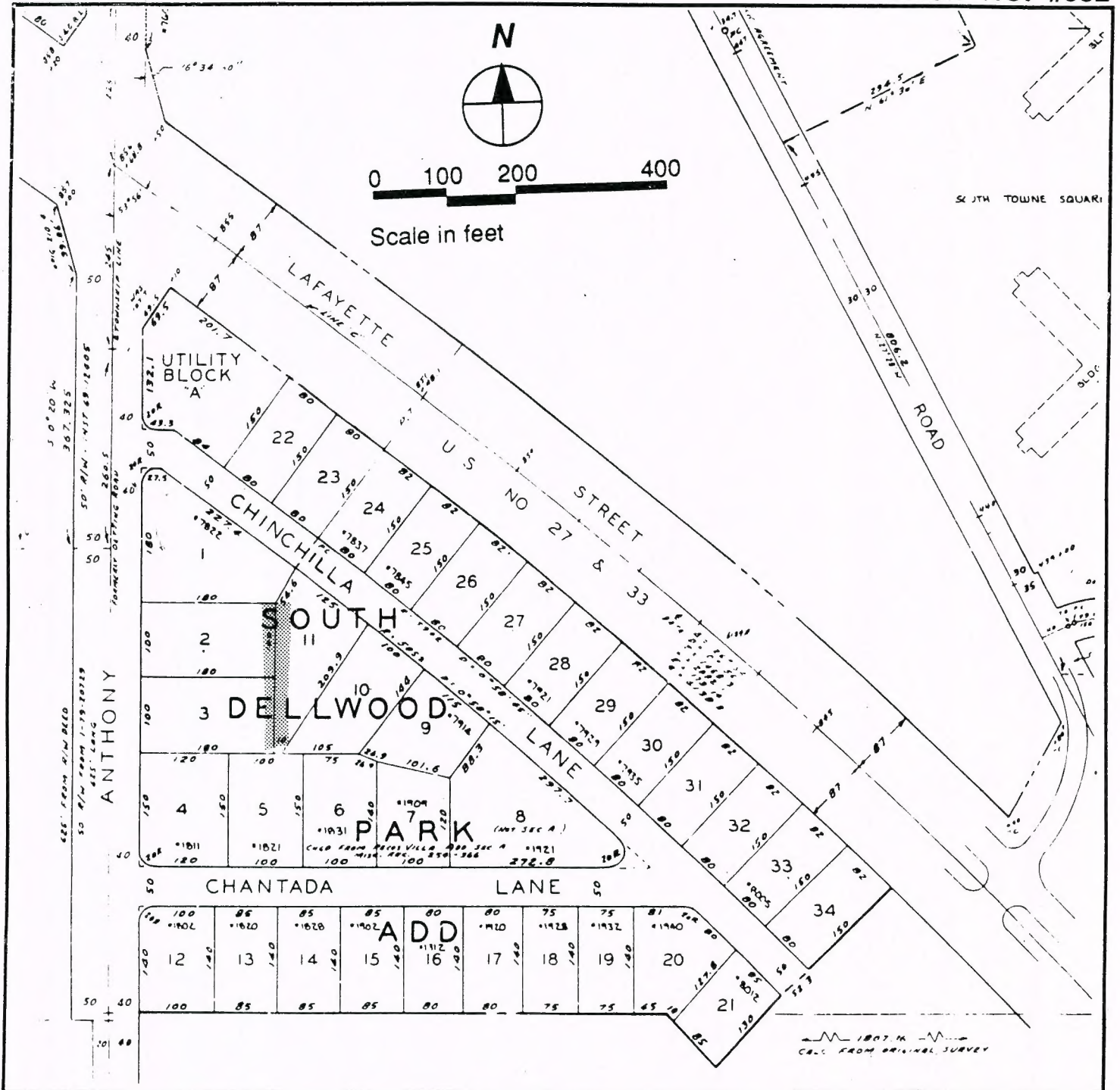
Jesus Name Church Inc
3615 New Haven Av
City 03

Bill No. G-93-03-10

VACATION PETITION

AREA MAP

CASE NO. #532



COUNCILMANIC DISTRICT NO. 6

Map No.P-31
LW 2-17-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

FACT SHEET

G-93-03-10

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Utility Easement Vacation

DETAILS**Specific Location and/or Address**

Easement is located in South Dellwood Park Addition and is part of Lots 2, 3 & 11.

Reason for Project

The vacation of the utility easement would facilitate the construction of a new church building.

Discussion (Including relationship to other Council actions)

This petition was originally heard at the March 15, 1994 Plan Commission public hearing. At the Plan Commission Business Meeting on March 22, 1994 the Commission gave a recommendation of DO PASS with conditions. The petitioner was given six (6) months in which to satisfy these conditions, or the petition would be returned to the Commission with a staff recommendation of DO NOT PASS.

At the August 22, 1994 Plan Commission business meeting the petitioner requested a withdrawal. It was stated by them that they were unable to satisfy the conditions within the time allotted.

Motion was made and seconded to WITHDRAW the ordinance.

Of the five (5) members present, five (5) voted in favor of the motion to WITHDRAW.

Motion carried.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Jesus Name Church Inc City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) WITHDRAWN
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

TAILS

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross

Members Absent: Mark GiaQuinta, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start


Date 11 February 1993

Projected Completion or Occupancy

Date 29 August 1994

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 August 1994

Reviewed by

Reference or Case Number

Date 29 August 1994

#538
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The east 7 feet of Lot 2, the East
7 feet of Lot 3 (except the south 7 feet of the east 7 feet) and
the west 7 feet of Lot 11 (except the south 7 feet of the west
7 feet) all in South Dellwood Park, formerly known as Pecos Villa
Addition, Section A.

D-93 03 -10

EFFECT OF PASSAGE Property is currently a dedicated utility
easement. Property will be vacated and revert to the adjacent
property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility
easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. G-94-03-10

*To Be
With Person*

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) for the purpose of vacating
a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS <i>w/d</i>	DO NOT PASS	ABSTAIN	NO REC
<i>Mark E. Giaquinta</i>	_____	_____	_____
<i>DJ Schmidt</i>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: *9-13-94*

Sandra E. Kennedy
City Clerk